



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

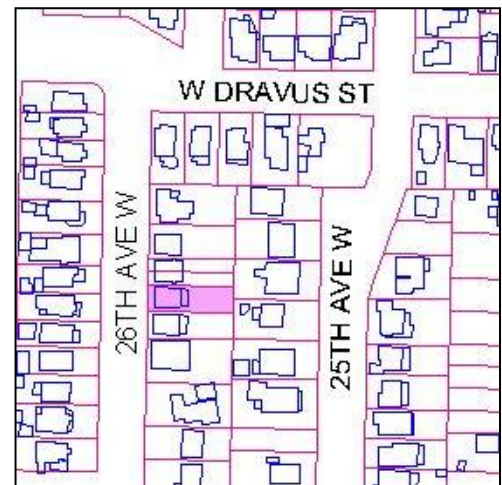
Application Number: 3007690
Applicant Name: Noel Philip
Address of Proposal: 3024 26th Ave W

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

An existing duplex is located on the site. No construction is proposed. The lot sizes are proposed as: A) 2,368.5 sq. ft. and B) 2,744 sq. ft.

The following approval is required:



Unit Lot Subdivision - to divide one existing parcel into two unit lots.
(Chapter 23.24 Seattle Municipal Code)

SEPA - Environmental Determination (Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

Zoning: Single Family 5000 (SF 5000)

Uses on Site: Existing Duplex

<u>Site Description:</u>	The site is approximately 5,112.5 square feet and is located in a Single-Family 5000 (SF 5000) zone. There is an existing duplex on the site. Documentation shows that the structure was permitted and built as a duplex in 1931. There is a steep slope area on eastern portion of the site where the site drops 12 feet within a distance of 23 feet.
<u>Surrounding Area:</u>	Adjacent properties are zoned SF5000. The area contains mainly single-family residential structures. The exception is the subject property and three adjacent duplexes that were all built circa 1930.
<u>Proposal Description:</u>	The proposal will divide the existing duplex along the common wall line for the purposes of separate ownership of the two units. No construction is proposed at this time. The subject of this analysis and decision is limited to the subdivision of land.
<u>Additional Information:</u>	The subject property is the 3 rd in a row of four duplexes that were constructed at the same time. There historically existed a common vehicular access behind the duplexes. However, there is no formal easement and vehicular access to the 3 rd and 4 th duplex no longer exists. The steep slope behind the properties make vehicular access there less than ideal; parking and vehicular access for the subject lot is considered existing nonconforming.
<u>Public Comment:</u>	The comment period for this proposal ended on February 18, 2009. No written comments were received regarding the proposal. One phone call was received expressing concerns regarding parking for the site.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection, as provided in Sections 23.53.005 and 23.53.006;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Ordinance and Structural (DPD), Drainage (DPD), Water (SWD), City Light (SCL), Fire Department (SFD) and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision will be provided with public and private utilities. Parking and vehicular access are nonconforming but will not be changed by the proposal. Access (including emergency vehicles) is adequate since both lots front on the street. Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal is a unit lot subdivision; therefore SMC 25.09.240 limiting platting in critical areas, is not applicable. Tree and other landscaping requirements were considered under the building permit review. Section 23.24.046 regarding multiple single-family dwellings on one lot does not apply since the existing structure is a duplex. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City. Detailed discussion of Criterion #7 follows below.

ANALYSIS –UNIT LOT SUBDIVISION (Criterion #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*

- F. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
- G. *The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The existing structure conforms to the development standards in place at the time the structure was permitted and constructed. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *“The unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement is provided on the plat.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

The proposed unit lot subdivision is located on property that contains an environmentally critical area (steep slopes), thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 26, 2009. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

As indicated in the checklist, this action will not result in adverse impacts to the environment. This review is limited to any SEPA impacts of the unit lot subdivision due to the environmentally critical area (steep slope) located on the property. No construction is proposed in connection with the unit lot subdivision. Thus no impacts are anticipated. The location of the steep slope and steep slope buffer are shown on the survey, which will provide disclosure to potential new owners.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat the required Seattle City Light easement.
2. Provide on the plat easements for any shared utilities.
3. Show the location of the 15 foot steep slope buffer on the plat.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Include the following on the face of the final plat: “The unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”

6. Submit the recording fee and final recording documents for approval.
7. Add the conditions of approval, "For the Life of the Permit" on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval for the life of the permit see page ____ of ____."

For the Life of the Permit

8. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: July 9, 2009
Holly E. Anderson, Land Use Planner
Department of Planning and Development

HEA:bg

H:\project review\3007690 unit lot decision SEPA 3024 26th Ave W.doc